Special staff for inoculation has been drafted. 87,692 Anti Cholera inoculations have been done in the infected areas. The population of Hubli City is 1,77,000 while that of Dharwar is 83,000. The infection is localised to Hubli City.

Chlorination of all drinking water sources is being done. 28 wells in these areas are being chlorinated daily. Water with an additional dosage of chlorine added to it is now supplied to Hubli Dharwar Cities.

Disinfection of houses and infected material has been done. In all 2,897 houses have been disinfected.

The Public of Hubli and Dharwar Cities have been alerted to the incidence and requested to take Anti-Cholera inoculations. Simple Health measures for adoption has been given *i.e.*, to avid stale food, cut or over ripe fruits; use boiled and cooled water etc.

Drugs for treatment of cases, bleaching powder for chlorination and disinfectants are in sufficient stock and issued for use by the Corporation authorities.

The Additional District Magistrate, Dharwar has declared the taluks and Cities of Hubli and Dharwar as threatened with Cholera under notification No. Pol (M) SR 626 dated 15th July 1967 and has appointed the Deputy Municipal Commissioner of the Corporation and the Tahsildars of Hubli-Dharwar taluks as Cholera Controlling Officers.

All necessary preventive and control measures have been undertaken in the Hubli-Dharwar Municipal Corporation area. The infection is under control.

PRIVILEGE QUESTION *Re*: SERVING OF SUMMONS TO A MEMBER RELATING TO A CRIMINAL CASE WITHOUT PERMISSION OF THE SPEAKER DURING THE SESSION PERIOD AND THE SPEAKER'S RULING THEREON.

MR. SPEAKER.—Hon'ble member Sri Azeez Sait wanted to say something.

† SRI AZEEZ SAIT (Narasimharaja).—Sir, I wanted to bring to your kind notice an important matter of privilege. I would draw your kind attention to the Constitution of India, page 97, article 194 (3).

> "In other respects, the powers, privileges and immunities of a house of the Legislature of a State, and of the members and the committees of a House of such Legislature, shall be such as may from time to time be defined by the Legislature by law, and, until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution".

(SRI AZEEZ SAIT)

The rights and privileges of members are guaranteed under this provision of the Constitution. I would also like to bring to your notice the definition of 'Precincts of the Assembly' as stated in the Rules of Procedure of Mysore Legislative Assembly.

> "Precincts of the Assembly means and includes the chamber, the lobbies, the galleries and such other places as the Speaker may from time to time specify".

Now, Sir, I would like to refer to the Law of Parliamentary Privileges in India by V. G. Ramachandran. It is said here.

> "Precincts of the House shall mean, and include the entire Assembly building, the Ministers' rooms, the library, the canteen and the Committee Room together with the verandahs and steps to these buildings and the pathways leading from the Assembly Chamber to the other aforesaid buildings in respect of members and as far as strangers are concerned, precincts means the Assembly Chamber including its verandahs and steps".

In support of my contention, I would like to draw your attention to page 289. There was a case of search of members' rooms by the police. I shall read it :

> " Search of members' Rooms by Police in their Absence—In Darulshafa, the legislators' hostel, members' rooms were searched by the police allegedly to catch some hiding students who wanted to defy an order under Section 144, Criminal Procedure Code. The Speaker's ruling on the motion was that Darulshafa was not within the precincts of the House, that the police action does not directly disturb the proceedings of the House, that no privilege of members was at stake but that it was improper for the police to walk into their rooms without their permission and presence, that they could cordon off the rooms if there was an offender of the law inside and get the Speaker's permission to enter. The Speaker would infrom the member who doubtless would co-operate with the police in such an event."

On page 440 in the same book there is another instance which is similar to my case.

> " *Service of Legal process* :—Even in the matter of service of legal process on members of Parliament certain procedural safeguards are afforded. In England leave of the House in sitting is absolutely necessary before there is any service or execution of a process, civil or criminal, on a member within the precincts of the House when it is in session. The English practice is substantially adhered to in Rule 233 of the Rules

of Procedure and Conduct of Business in the Lok Sabha. The Rule provides that a 'legal process civil or criminal, shall not be served within the precincts of the House without obtaining the permission of the Speaker.' The current practice is that the executive authorities concerned take upon themselves the duty to arrange for the service of process on the concerned member outside the precincts of Parliament. They generally avoid serving it through the presiding officer or the Parliamentary Secretariat. This is also the practice in the State legislatures. The Union Mintstry of Home Affairs has issued circulars to all authorities concerned in this regard, as stated above."

With this, I would draw your attention to my notice of privilege :

"On Friday the 28th July 1967, a Police Constable of Mandi Police Station, Mysore City, entered the premises of the Government General Hostel, Bangalore, and got served three summons on me at about 7·45 P.M. in my room No. 19, pertaining to two criminal cases of the I City Magistrate Court and one of the Sub-Divisional *i.e.*, *Ex-Officio* I Class Magistrate, Mysore City, without obtaining the previous permission of the Speaker of Mysore, Legislative Assembly. The said constable has enterned the Hostel premises and on that day while serving the summons, he used force, threatened and compelled to have the summons served. Further he said that he was using the directions of his immediate superior officer *i.e.*, the Sub-Inspector of Police, Law and order, Mandi Police Station, Mysore City. This act of the police has caused breach of privilege vested in me. Therefore, I request you kindly to admit this motion of privilege."

I have raised this motion not because I am a member of the Opposition party but to raise the prestige of the House. I am not casting any aspersion against the Chair when I say that generally privilege motions moved by us are not upheld. I therefore earnestly appeal to you, Sir, to raise the honour and dignity of the members of this House and to give a pinch to the officials. In the interest of democracy the honour and prestige of the members have to be raised and with that object I have moved this privilege motion and hope you will give your consent to it

MR. SPEAKER.—The hon. Member Sri Azeez Sait has raised a question under Rule 177. I am grateful to him for having studied the matter in such great detail and given the House the benefit of his studies.

He has mentioned in his letter that on Friday, the 28th July 196 , a Police Constable of Mandi police station, Mysore City, entered the premises of the Government General Hostel, Bangalore and got three summons served on him at about 7-45 p.m. in his room pertaining to two

(MR. SPEAKER)

criminal cases, one in the First City Magistrate Court and the other in the Ex-officio First Class Magistrate Court, Mysore City, without obtaining the previous permission of the Speaker of the Mysore Legislative Assembly. He has also given the three documents along with this letter. Evidently, two are the summons to the accused and they relate to certain sections under the Penal Code. The third document is the proceedings under section 107 of the Criminal Procedure Code and the order under section 112 of the Criminal Procedure Code. It sets out certain details with regard to the incidents that are said to have happened on 4-2-67, 14-2-67, 27-1-67 and 23-4-67. It is mentioned by the hon. Member Sri Azeez Sait that this is also a summons. The facts do not appear to be in dispute. The litigation is not civil. Article 194 protects members from arrest and also ensures freedom of speech and freedom of debate on the floor of the House. We are not concerned with any of this because there has been no arrest nor any other rights have been affected. The question reduces itself to the service of summons.

Article 194 which was quoted by the hon. Member says that in other respects the privileges of members are the same as are prevailing in the United Kingdom as on the date on which the Constitution came into operation. May's *Parliamentary Practice* at page 78 referring to this matter of freedom from arrest expressly says that there is a distinction between civil and criminal cases and this distinction was not clearly expressed in the earlier times but later on *i.e.* more than two centuries ago it has always been understood that so far as criminal litigation is concerned, the privilege does not extend.

> "A review of the development of the privilege reveals a tendency to confine it more narrowly to cases of a civil character and to exclude not only every kind of criminal case, but also cases which, while not strictly criminal, partake more of a criminal than of a civil character."

Therefore, this is a matter of summons in respect of a criminal case and not in respect of a civil case. My Learned Friend also cited a book *Viz.* Mr. Ramachandran's Commentaries on the Law of Privileges which deals with a multitude of cases. Therein the scope of operation depends upon what exactly are the precincts of a legislature. The precincts of a legislature so far as Mysore Legislature is concerned has been defined. Negatively, it does not include the residence. The service of a summons is not within the precincts of the House and therefore the authority cited is not relevant for our consideration.

The hon. Member then referred to what is noted in that book *viz.* the practical application of Rules 232 and 233 of the Lok Sabha. A similar incident happened in the Bihar Legislative Assembly on the 26th May 1958. The opinion of the Ministry of Law was sought as to whether leave or permission of the Speaker is necessary for arrest of a person

when the House is not in sessions. After going deep into the matter, their opinion was that so far as such questions relating to the privilege or immunity of a member of the House are concerned, the position is that there would be no breach of privilege and therefore the permission of the House is not necessary. But from the point of view of maintaining order in the House, the Speaker is in overall control of the precincts of the House. It is in this context that rules 232 and 233 of the Lok Sabha provide that the permission of the Speaker is necessary for the service of the summons whether the House is in sesion or not.

The Ministry of Home Affairs in Circular dated 14th April and 30th September 1953 have observed: "The Courts of law should not serve the legal process or Criminal process on members of Parliament throuh the Speaker or the Lok Sabha Secretariat or the Legislature Secretariat."

The appropriate procedure is for the summons to be served direct on the members concerned outside the precincts of Parliament, that is, at their residences or at some other place. Till they amend the definition of the precincts of the House to include the residences of the members, for the mere service of a summons in a criminal case the position canvassed by the hon'ble member does not appear to be acceptable. If there is anything that the member has got, because it is a matter of some importance, I would not like to shut it out. If necessary, I am prepared even to hold it over. In fact, I wanted to give the hon'ble member these books. I will be the last person to sacrifice any interest or privilege.

2-30 P.M.

Sri AZEEZ SAIT.—It is not the question of my individual respect.

Mr. SPEAKER.—I respectfully agree with the hon'ble member.

Sri AEEZ SAIT.—It is the interest and the dignity of the members and the House that is involved under a democratic set-up. The only thing that I wanted to say is that I have received the summons and I have even made my first appearance before the First Class Magistrate and I am released on bail. What I want is that a healthy precedent should be created. If necessary, the difinition of precincts may be amended so as to see that during the sessions, members are under your protection whether they are here or in the Legislators' Home or in the General Hostel or in their residences. Even if they want to hang me, let them do it but after taking your permission. Let them not act independently.

Mr. SPEAKER.—If I am to give a ruling which will be respected by others, I must have something more substantial. That is why I said I am prepared even to wait for another two days.

Sri B. NANJAPPA (Gandasi).—I request that the precincts of the Assembly can be extended by the Speaker also because it is stated here "such other places as the Speaker may from time to time specify." So no amendment is necessary and the Speaker can extend the precincts of the Assembly during the session.

Mr. SPEAKER.—The hon'ble member must remember that if I do it today, what happened yesterday and the day before yesterday cannot be covered. That is why I said that if any member has got anything to add, I am prepared to hold it over. I cannot give a ruling which is inconsistent with the existing rules.

Sri V. N. PATIL.—Sir, the decision may be deferred for some time.

Mr. SPEAKER.—That is what I suggested. If the member wants more time, I have no objection. Yesterday he was not agreeable to its being dealt with today. I want to help members by giving certain books. I will give more books if necessary. Let them study and then make their remarks.

Sri AZEEZ SAIT.—Sir, you may defer the question for more detailed consideration later on.

ADJOURNMENT MOTION *Re*: HUNGER STRIKE, ETC., BY EMPLOYEES OF A PRIVATE COMPANY—SPEAKER'S RULING

Mr. SPEAKER.—Now, there is a matter regarding what is called hunger strike and lock-out, Mr. Krishnan and two others. I believe Sri Bola Raghurama Shetty and others, have sought to raise it. I will deal with the matter so far as the question of adjournment motion is concerned.

Sri V. N. PATIL.—Sir, my submission is that this is the one forum through which we members can prevail upon the Government to consider the just demands of the employees and give them interim relief. These are the demands to which they are entitled to and we want to stress this on the Government through this adjournment motion.

Mr. SPEAKER.—The hon'ble member Sri V. N. Patil and others have sought to raise a discussion on an adjournment motion on account of the strike and hunger or fast that is going on in connection with a limited liability company and its workers. The point urged is that the Government may kindly consider and give them what are their dues or at least as an interim relief. So far as the merits of the claim and the procedure to be adopted for obtaining the relief is concerned, it stands on a different footing. I am concerned with its admissibility or otherwise as an adjournment motion. It is not disputed that the workers are not workers under the Government, but working in a factory which I believe is a limited liability and autonomous institution.